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September 14, 2023

Honorable Alan S. Trust
United States Bankruptcy Court
Alfonse M. D'Amato Federal Courthouse
290 Federal Plaza
Central Islip, New York 11722

Re: **In re Orion**
Howard M. Ehrenberg v. Elizabeth Kelly
Adv. Pro. No. 20-8048-ast

Dear Judge Trust:

We are counsel to defendant Elizabeth Kelly in the above-referenced adversary proceeding. Exigent circumstances require that we write to you pursuant to your Individual Rules to request that the Court extend the current discovery schedule and cutoff date. We write this letter without the consent of Plaintiff's counsel who has not responded to our several requests to meet and confer regarding a new and attainable discovery schedule.

The adversary proceeding was commenced on March 13, 2020. Defendant moved to dismiss on June 30, 2020. Plaintiff did not respond to defendant's motion to dismiss until October 3, 2022. The dismissal motion was fully briefed and submitted to Your Honor on November 2, 2022, and is currently pending decision. The current discovery schedule requires fact discovery to be concluded by September 25, 2023. Based upon the current state of discovery that date is not reasonably attainable.

The magnitude of document discovery is extensive. To date, my client continues to gather documentation from multiple sources, including its prior outside counsel that did the original membership sale of New York Network Management LLC to the Debtors. Those documents (which easily exceed 10 gigabytes before email is included) need to be reviewed and analyzed by my firm for attorney-client privilege before they can be produced. Additionally, Plaintiff has not produced any documents in response to defendant's document demand. Those documents will need to be reviewed and analyzed by counsel prior to conducting any depositions.

Moreover, there are multiple depositions that need to be scheduled and conducted by both parties, including at least one party and four (4) non-party depositions that have been noticed by Plaintiff's counsel.

We believe that the foregoing circumstances establish good cause to extend the discovery schedule and discovery cutoff dates by at least ninety (90) days.

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Thank you for your consideration and please have a member of Your Honor's staff contact me with any questions.

Respectfully Submitted,

/s/ Anthony C. Acampora

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cc: Jeffrey Nolan (via email)